

Thus, the hypothetical combination results in a completely different set of components, *i.e.*, non-liquid-crystalline polyolefin instead of non-liquid-crystalline polyester.

As noted above, the rejection admits this fact by stating that "the polymer based (polyolefin) of the porous network structure of Radovanovic et al. is not a polyester." The Applicants completely agree. What this means is that if one skilled in the art hypothetically combines Radovanovic with Matsumura, the result is a film layer that contains liquid-crystalline polyester and non-liquid-crystalline polyolefin. As also noted above, however, that is not what the Applicants claim. The Applicants claim a combination of liquid-crystalline polyester and non-liquid-crystalline polyester.

On this basis alone, the Applicants respectfully submit that the combination of Radovanovic with Matsumura is utterly inapplicable to the Applicants' claimed subject matter. This is essentially admitted in the rejection itself. Nonetheless, the rejection then states that:

one having ordinary skill in the art would recognize that the ability to form the porous structure arises from crystalline and non-crystalline mixture of compatible polymers. Hence, it would be obvious to try mixtures of other crystalline and non-crystalline polymers (*i.e.* crystalline and non-crystalline polyesters or crystalline polyethers) to lend different properties to the final porous film (*i.e.* high tensile strikes of polyesters).

What this means is that one of ordinary skill in the art must not only hypothetically combine Radovanovic with Matsumura, which results in a completely different film layer, but then further modify that resulting structure by speculating about a further imaginary change of the non-liquid-crystalline polyolefin as disclosed by Radovanovic and substitute those teachings with an imaginary non-liquid-crystalline polyester that is nowhere disclosed, taught or even remotely suggested in Radovanovic.

The Applicants respectfully submit that this is an improper rejection. The reasons are several fold. First, Radovanovic is non-enabling as prior art with respect to curing the deficiency of Matsumura. It is incumbent upon Radovanovic to provide the missing piece(s) of Matsumura, namely a non-liquid-crystalline polyester. Radovanovic does not do this. Instead, Radovanovic only provides disclosure concerning non-liquid-crystalline polyolefin. As noted above, Radovanovic does not disclose non-liquid-crystalline polyester. Radovanovic is non-enabling because it does not provide the missing piece sought in the rejection to cure the deficiencies of Matsumura. On this basis alone, the rejection must fail.

Since Radovanovic does not provide the necessary teachings concerning a non-liquid-crystalline polyester, the rejection imagines that one skilled in the art would simply change from the disclosed polyolefin to a not disclosed polyester. It is incontrovertible that those skilled in the art know that polyesters and polyolefins are completely different from one another and are not substituted for one another. Their chemical structures are completely different and their physical characteristics are completely different. Thus, they are not substitutable. In fact, those skilled in the art regularly combine polyesters and polyolefins as blends to provide enhanced properties that neither alone can otherwise provide. Thus, it would be mere speculation to take the position that one skilled in the art would randomly, without any teachings or suggestions in Radovanovic, substitute a non-liquid-crystalline polyester for the non-liquid-crystalline polyolefin disclosed by Radovanovic. There is no evidence on this record that one skilled in the art would do that.

In formulating an obviousness rejection, there must not only be teachings that would cause one skilled in the art to make a modification, but then a reasonable expectation that making that modification would be successful. This record provides no suggestions to make modifications from the non-liquid-crystalline polyolefin to an non-liquid-crystalline polyester. Moreover, there is nothing on this record that suggests to one skilled in the art that there would be a reasonable expectation of success upon so doing. As such, the Applicants respectfully submit that the hypothetical combination of Radovanovic with Matsumura alone or in conjunction with Ashcraft and/or Nakatani would still fail to result in the Applicants' claimed subject matter.

This is further reinforced by referring to the Applicants' Fig. 2 wherein its network structure is shown. Matsumura does not provide any indication of what their structure might look like. However, Radovanovic does. The microphotograph of Radovanovic when compared to the Applicants' Fig. 2 reveals that the structures are quite different. Thus, one skilled in the art would readily see that employing the teachings of Radovanovic in combination with Matsumura would reasonably be expected to result in a structure of the type shown in Matsumura, not of the type shown in the Applicants' Fig. 2. Thus, there is demonstrative evidence on the record that the Applicants' structure is completely different from what a combined Matsumura /Radovanovic structure might be. Moreover, there is no suggestion in any

of Matsumura, Ashcraft, Radovanovic and/or Nakatani that the Applicants' structure could be obtained. Withdrawal of all of the rejections is respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury
Reg. No. 31,750
Attorney for Applicants

TDC/vbm
(215) 656-3381